



Minnesota Pollution Control Agency

October 4, 1988

Mr. Dennis Cavanaugh, CEO
Soo Line Railroad Company
Soo Line Building
P.O. Box 530
Minneapolis, Minnesota 55440

Dear Mr. Cavanaugh:

Enclosed is a Notice of Violation (NOV) formally requesting the payment of a Five Thousand Dollar (\$5,000) penalty for Soo Line Railroad Company's failure to submit an updated long-term railroad tie disposal plan. I have also enclosed a copy of a letter dated December 30, 1987, which initially requested this information.

My staff did meet with Soo Line representatives on May 13, 1988 to discuss this matter. We were informed at that time that letters explaining the Company's long-term disposal plan and plans for disposal of existing tie piles would be sent to the MPCA within the next month. Several phone calls have been made since this meeting, with continued promises that the letters would be forthcoming shortly. The MPCA has not received any correspondence from the Company. We have therefore pursued further enforcement action.

If you have any questions on this matter, please contact Scott Parr (296-7636) or Gary Eddy (296-7677), of my staff.

Sincerely,

Lisa J. Thorvig, Chief
Regulatory Compliance Section
Division of Air Quality

cc: Frank Catani

Phone: _____

520 Lafayette Road, St. Paul, Minnesota 55155
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STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY
DIVISION OF AIR QUALITY

IN THE MATTER OF: Soo Line Railroad Company
Soo Line Building
Minneapolis, Minnesota

To: Mr. Dennis Cavanaugh, CEO
Soo Line Railroad Company
Soo Line Building
P.O. Box 530
Minneapolis, Minnesota 55440

AUTHORITY

This Notice is issued under the authority contained in Minnesota Statute 116.07 (Supp. 1986).

VIOLATIONS

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to indicate that Soo Line Railroad Company (Company) has violated the following provisions of the June 24, 1984 Stipulation Agreement between the Company and the MPCA.

Paragraph B.1.b.(5)

In the event that the Companies decide to modify their approved disposal method prior to July 1, 1989, the Companies shall provide the Director with a proposal, which describes the modified method, at least twenty (20) days prior to implementing the new method, in order to allow the Director sufficient time to review the newly proposed method and advise the Companies of any changes necessary to maintain compliance with applicable Agency Rules. These changes shall be made prior to implementation of the plan.

DESCRIPTION OF VIOLATIONS

On December 30, 1987, MPCA staff sent a letter to the Company requesting the Company to submit a plan documenting Soo Line's long-term disposal plan for scrap railroad ties. The MPCA has not received this plan.

REQUIREMENTS

1. The Company shall submit to the MPCA by November 1, 1988, a certified check in the amount of Five Thousand Dollars (\$5,000) for failure to submit an updated long-term disposal plan.

2. The Company shall submit to the MPCA by November 1, 1988, an updated long-term disposal plan.

NOTICE

THEREFORE, you are hereby given notice that the above violations have been recorded by the Minnesota Pollution Control Agency. This Notice of Violation does not preclude the Minnesota Pollution Control Agency from taking further action with respect to the above violations. Continued violation of Minnesota Pollution Control Agency Rules will result in initiation of further administrative or legal enforcement action.

DATED: October 4, 1988

REGULATORY COMPLIANCE SECTION
DIVISION OF AIR QUALITY



Lisa J. Thorvig, Chief

cc: Larry F. Kertcher, U.S. EPA
Frank Catani

CERTIFIED MAIL NO. P 057 999 614
RETURN RECEIPT REQUESTED

Address Further Correspondence to:

Scott E. Parr
Enforcement Unit
Regulatory Compliance Section
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
(612)296-7636



Minnesota Pollution Control Agency
520 Lafayette Road, St. Paul, Minnesota 55155



Mr. Larry F. Kertcher
Air Management Division, 5AC-26
Region V, U. S. EPA
230 South Dearborn Street
Chicago, IL 60604

